

# HOUSE BILL No. 1679

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## DIGEST OF INTRODUCED BILL

**Citations Affected:** IC 16-18-2; IC 16-41-9.5.

**Synopsis:** Human toxic exposure program. Requires the state department of health to establish a human toxic exposure program to identify and assess the concentration of toxic chemicals in the bodies of individuals. Establishes the human toxic exposure advisory panel. Requires the state department of health to issue reports to the general assembly and post certain information on an Internet web site.

**Effective:** July 1, 2009.

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January 16, 2009, read first time and referred to Committee on Environmental Affairs.

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First Regular Session 116th General Assembly (2009)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2008 Regular Session of the General Assembly.

## HOUSE BILL No. 1679

A BILL FOR AN ACT to amend the Indiana Code concerning health.

*Be it enacted by the General Assembly of the State of Indiana:*

1 SECTION 1. IC 16-18-2-184.1 IS ADDED TO THE INDIANA  
2 CODE AS A **NEW** SECTION TO READ AS FOLLOWS  
3 [EFFECTIVE JULY 1, 2009]: **Sec. 184.1. "Human toxic exposure",**  
4 **for purposes of IC 16-41-9.5, has the meaning set forth in**  
5 **IC 16-41-9.5-1.**

6 SECTION 2. IC 16-18-2-336.5 IS ADDED TO THE INDIANA  
7 CODE AS A **NEW** SECTION TO READ AS FOLLOWS  
8 [EFFECTIVE JULY 1, 2009]: **Sec. 336.5. "Specimen", for purposes**  
9 **of IC 16-41-9.5, has the meaning set forth in IC 16-41-9.5-2.**

10 SECTION 3. IC 16-41-9.5 IS ADDED TO THE INDIANA CODE  
11 AS A **NEW** CHAPTER TO READ AS FOLLOWS [EFFECTIVE  
12 JULY 1, 2009]:

13 **Chapter 9.5. Human Toxic Exposure Program**

14 **Sec. 1. As used in this chapter, "human toxic exposure" means**  
15 **the concentration of toxic chemicals and their metabolites in an**  
16 **individual's body.**

17 **Sec. 2. As used in this chapter, "specimen" means a sample of**

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a substance that is part of or present in the human body, including blood, bone, umbilical cord blood, meconium, fat, hair, milk, saliva, and urine.

Sec. 3. (a) The state department, with assistance from the department of environmental management and the federal Centers for Disease Control and Prevention, shall establish a program to identify and assess the concentration of toxic chemicals in individuals.

(b) The program must include the gathering of statistically valid samples of specimens that may be selected for inclusion in the program based on any or all of the following:

- (1) Geography.
- (2) Similar occupations.
- (3) A common chemical exposure.
- (4) A common health outcome that may be linked to chemical exposure.
- (5) Other factors determined by the state department.

Sec. 4. The state department, with assistance from the department of homeland security, the United States Department of Homeland Security, and the federal Centers for Disease Control and Prevention, shall include in the program the components that will assist in monitoring for and responding to chemical or biological attacks.

Sec. 5. An individual selected to be part of any human toxic exposure program may not participate unless the individual consents in writing.

Sec. 6. (a) The human toxic exposure advisory panel is established. The panel consists of the following:

- (1) Eight (8) members appointed by the governor for a three (3) year term.
- (2) The state health commissioner or the commissioner's designee, who is not a voting member of the panel.

(b) The members appointed under subsection (a)(1) must include individuals who have expertise in public health, environmental science, environmental health, epidemiology, biology, toxicology, and endocrinology. At least three (3) members appointed under subsection (a)(1) must be physicians.

(c) The commissioner or the commissioner's designee shall serve as chairperson of the panel. The state department and the department of environmental management shall provide staff support for the panel. The panel shall meet at the call of the chairperson, but at least two (2) times each year.

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(d) The panel shall do the following:

(1) Make recommendations concerning the design of the human toxic exposure program.

(2) Review program priorities, protocols, reports, and outreach materials, including the following:

(A) The selection of certain chemicals and communities as priorities for the program.

(B) The dissemination of findings and reports to participants, the general assembly, and the public.

(e) A member of the panel appointed under subsection (a)(1) is not entitled to the minimum salary per diem provided by IC 4-10-11-2.1(b) but is entitled to reimbursement for traveling expenses as provided under IC 4-13-1-4 and other expenses actually incurred in connection with the member's duties as provided in the state policies and procedures established by the Indiana department of administration and approved by the budget agency.

Sec. 7. (a) In January of every odd-numbered year, beginning in 2013, the state department shall submit to the general assembly in an electronic format under IC 5-14-6 a report of its activities in conducting the human toxic exposure program. The report must include any recommendations of the state department or the human toxic exposure advisory panel to improve the human toxic exposure program.

(b) The state department shall maintain an Internet web site that contains:

(1) the reports required under subsection (a);

(2) summaries of all health and toxic chemical exposure data collected under this chapter; and

(3) an explanation of the human toxic exposure program and its purposes.

Sec. 8. Information that is gathered or produced by the human toxic exposure program and that could identify an individual is confidential for purposes of IC 5-14-3-4(a)(1) unless the individual consents in writing to the release of the information.

Sec. 9. The state department may adopt rules under IC 4-22-2 to administer this chapter.

SECTION 4. [EFFECTIVE JULY 1, 2009] (a) The governor shall appoint the eight (8) members of the human toxic exposure advisory panel under IC 16-41-9.5-6(a)(1), as added by this act, before July 1, 2010. Notwithstanding IC 16-41-9.5-6, as added by this act, the appointments under this SECTION must be as follows:

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1           (1) Four (4) members whose terms are to expire July 1, 2012.

2           (2) Four (4) members whose terms are to expire July 1, 2013.

3       **In making the appointments under this SECTION, the governor**  
4       **shall indicate whether each appointee is appointed under**  
5       **subdivision (1) or (2).**

6           (b) While establishing the human toxic exposure program under  
7       **IC 16-41-9.5, as added by this act, the state department of health**  
8       **shall consider the scientific methods used by the federal Centers**  
9       **for Disease Control and Prevention's National Report on Human**  
10       **Exposure to Environmental Chemicals.**

11          (c) This SECTION expires July 1, 2013.

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